

**DECLARATION (37 CFR 1.63) AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name; and

I believe that I am the original, first, and sole inventor (if only one name is listed below), or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Novel Nematode-Active Toxins and Genes Which Code Therefor**, the specification for which was filed September 30, 1994, Serial No. 08/316,301

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
07/871,510	April 23, 1992	Pending
07/830,050	January 31, 1992	Abandoned
07/693,018	May 3, 1991	Abandoned
07/565,544	August 10, 1990	Abandoned
07/084,653	August 12, 1987	Patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following persons registered to practice before the Patent and Trademark Office as my attorneys with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith: Roman Saliwanchik, Reg. No. 21,023; David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Ted W. Whitlock, Reg. No. 36,965; Jean Kyle, Reg. No. 36,987; Doran R. Pace, Reg. No. P-38,261; Gerard H. Bencen, Reg. No. 35,746.

I request that all correspondence be sent to:

Jeff Lloyd  
2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606

I further request that all telephone communications be directed to:

Jeff Lloyd  
904-375-8100

Name of First or Sole Inventor H. Ernest Schnepf

Residence San Diego, California Citizenship United States

Post Office Address 7954 Handel Court

San Diego, California 92126 USA

Date \_\_\_\_\_

Signature of First or Sole Inventor

\*\*\*\*\*

Name of Second Joint Inventor George E. Schwab

Residence La Jolla, California Citizenship United States

Post Office Address 1351 Walnutview

Encinitas, California 92024 USA

Date \_\_\_\_\_

Signature of Second Joint Inventor

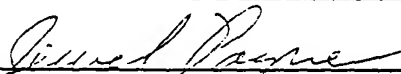
\*\*\*\*\*

Name of Third Joint Inventor Jewel Payne

Residence Davis, California Citizenship United States

Post Office Address 2318 Elendil Lane

Davis, California 95616 USA



Date 10/10/94

Signature of Third Joint Inventor

\*\*\*\*\*

Name of Fourth Joint Inventor Kenneth E. Narva

Residence San Diego, California Citizenship United States

Post Office Address 12123 Caminito Mira Del Mar

San Diego, California 92130 USA

Date \_\_\_\_\_

Signature of Fourth Joint Inventor

\*\*\*\*\*

Name of Fifth Joint Inventor Luis Foncerrada

Residence Vista, California Citizenship Mexico

Post Office Address 322 Ferrara Way  
Vista, California 92083 USA

\_\_\_\_\_  
Date \_\_\_\_\_  
Signature of Sixth Joint Inventor  
\*\*\*\*\*

Name of Sixth Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
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Residence San Diego, California Citizenship United States

Post Office Address 7954 Handel Court

San Diego, California 92126 USA

H. Ernest Schnepf Date 10 Oct. 1994  
Signature of First or Sole Inventor  
\*\*\*\*\*

Name of Second Joint Inventor George E. Schwab

Residence La Jolla, California Citizenship United States

Post Office Address 1351 Walnutview

Encinitas, California 92024 USA

George E. Schwab Date 10-10-94  
Signature of Second Joint Inventor  
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Post Office Address 2318 Elendil Lane

Davis, California 95616 USA

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Name of Fourth Joint Inventor Kenneth E. Narva

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Post Office Address 12123 Caminito Mira Del Mar

San Diego, California 92130 USA

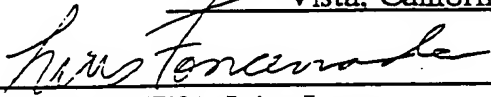
Kenneth E. Narva Date 10-10-94  
Signature of Fourth Joint Inventor  
\*\*\*\*\*

Name of Fifth Joint Inventor Luis Foncerrada

Residence Vista, California Citizenship Mexico

Post Office Address 322 Ferrara Way

Vista, California 92083 USA



Date 10/18/94

Signature of Fifth Joint Inventor

\*\*\*\*\*

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Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Sixth Joint Inventor

\*\*\*\*\*

Name of Seventh Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Seventh Joint Inventor

\*\*\*\*\*

Name of Eighth Joint Inventor \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Eighth Joint Inventor

\*\*\*\*\*

PATENT APPLICATION  
Docket No. MA-20CCCD4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : H. Ernest Schnepf, George E. Schwab, Jewel Payne, Kenneth E. Narva, Luis Foncerrada  
Serial No. : Not Yet Assigned  
For : Nematicidal Proteins

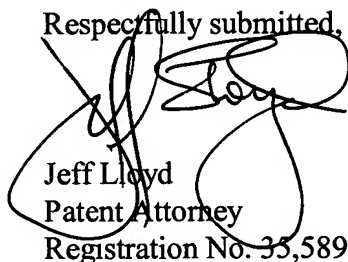
Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Sir:

I hereby appoint Jay M. Sanders, Registration No. 39,355, of Saliwanchik, Lloyd & Saliwanchik A Professional Association, whose address is 2421 N.W. 41st Street, Suite A-1, Gainesville, Florida 32606-6669, as my associate attorney in the above-entitled application, to prosecute this application, to make alterations and amendments therein, and to transact all business in the Patent and Trademark Office connected therewith. Please address all future communications to Jay M. Sanders, 2421 N.W. 41st Street, Suite A-1, Gainesville, FL 32606-6669.

Respectfully submitted,



Jeff Lloyd  
Patent Attorney  
Registration No. 35,589

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address : 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

30 July '03  
Date Signed

JL/ehm